

Appl. No. 10/442,408
Amendment Date: December 20, 2004
Reply to Office Action of September 21, 2004

Remarks and Arguments

The Office Action has objected to the drawings submitted with the original filing of the specification. The applicant acknowledges that the drawings must show every feature of the invention specified in the claims. At this juncture, applicant has elected to cancel the offending claims without prejudice. Accordingly, the drawings do not need to be amended at this point in time. Applicant is preparing formal drawings which will be submitted for the Examiner's approval prior to conclusion of prosecution of this case.

Claim 4 was rejected under 35 USC 112, first paragraph. Applicant has now canceled Claim 4.

Claims 1 – 15 have been rejected under 35 USC 112, second paragraph. According to the Office Action, Claim 1 refers to "said logic means" and "said activator", wherein each of these terms lacks antecedent basis. Applicant has amended Claim 1 in order to provide antecedent basis for "said logic means". Claim 1 also now refers to "said actuator" rather than "said activator".

Claims 1, 5, 6, 8, 9, 12, 13, 15 and 16 have been rejected under 35 USC 102(b) as being anticipated by Portman, US Patent 5,096,271 (hereinafter Portman '271).. After careful and diligent review, Portman '271 fails to teach at least one feature of the claimed invention including the ability to detect movement beyond a prescribed limit and retraction of the display in response thereto. Portman '271 merely discusses the use of limit switches in order to determine when to engage or disengage a motor so as to move a display from a first position to a second position (Col. 2; Lns. 55 – 65). Upon deployment, a second limit switch causes the power applied to a motor to be diverted to a brake assembly. In Portman '271, a breach of a deployment limit is sensed

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mechanically and a clutch disengages the brake in order to allow a spring to retract the display. There is no active retraction when a prescribed position limit is exceeded as claimed by the Applicant. Accordingly, Applicant respectfully submits that the claimed invention is not anticipated by Portman '271 and that the rejections of Claims 1, 5, 6, 8, 9, 12, 13, 15 and 16 ought to be withdrawn.

Claims 17 and 18 have been rejected under 35 USC 103(a) as being obvious in light of Portman '271. Applicant has now cancelled Claims 17 and 18.

Claims 2, 3, 10 and 11 have been rejected under 35 USC 103(a) as being unpatentable over Portman '271 in view of Blackburn et al, US Patent No. 4,093,055, hereinafter Blackburn '055.

To support rejection of any claim under 35 USC § 103(a), the references cited must satisfy the following criteria:

- there must be some motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine the reference teachings;
- there must be a reasonable expectation of success; and
- the prior art reference (or references when combined) must teach or suggest all the claim limitations.

Applicant notes that Portman '271 fails to teach the limitation of active retraction once a prescribes position limit has been compromised.

Accordingly, Applicant submits that any rejection of claims under 35 USC 103 that is based on Portman '271 can not be sustained. Applicant respectfully requests that the rejection of Claims 2, 3, 10 and 11 under 35 USC 103(a) be withdrawn.

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Claims 7 and 14 have been rejected under 35 USC 103(a) as being unpatentable over Portman '271 in further view of Portman US Patent No. 5,811,791. Again, since Portman '271 fails to teach a required limitation, this rejection must also be withdrawn.

Based on the foregoing, Applicant considers the present invention to be distinguished from the art of record. Accordingly, Applicant respectfully solicits the Examiner's withdrawal of the rejections raised in the above referenced Office Action, such that a Notice of Allowance is forwarded to Applicant, and the present application is therefore allowed to issue as a United States patent.

Respectfully submitted,

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